



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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Paper No. 10

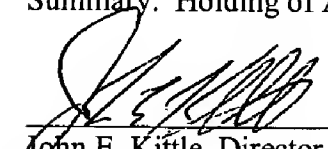
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|--|---|----------------------|
| In re Application of | : | DECISION ON PETITION |
| Oren Globerman | : | TO WITHDRAW |
| Serial No. : 09/890,318 | : | HOLDING OF |
| Filed : July 25, 2001 | : | ABANDONMENT |
| For : Expandable Element Delivery System | : | |

This is a decision on petitioner's request filed via facsimile transmission February 14, 2003, to review the holding of abandonment mailed October 7, 2002, for failure to pay the Issue Fee as required in the Notice of Allowance and Fee(s) Due mailed May 29, 2002. The basis for the request is that applicant did not receive the communication mailed May 29, 2002. There is no fee required for this petition.

In order to overcome the presumption of delivery of an Office action, a practitioner must submit the following: (1) a statement from the practitioner stating that the Office action was not received by practitioner; (2) a statement attesting to the fact that a search of the file jacket and docket record indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received and docketed. See 1156 OG 53. The request filed February 14, 2003 includes all the above elements. The request is therefore GRANTED.

Upon the mailing of this decision, the application will be forwarded to the Legal Instruments Examiner for the remailing of the Office action of May 29, 2002.

Summary: Holding of Abandonment Withdrawn.


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